

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION**

was lodged on (date) 11/07/2017 and is attached. This order relates to the motion which is docket number 47.

¹ Please abbreviate if title cannot fit into text field.

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Michael Jones, SBN 271574 Sara Tidd, SBN 259741 M. Jones & Associates, PC 505 North Tustin Ave, Suite 105 Santa Ana, CA 92705 Telephone: (714) 795-2346 Facsimile: (888) 341-5213 Email: sara@mjjonesoc.com <input type="checkbox"/> Attorney for Movant <input type="checkbox"/> Movant appearing without an attorney	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - <u>Riverside</u> DIVISION	
In re: Shawn Maceo Rife Shayne Morgan Rife Debtor(s).	CASE NO.: 6:17-bk-15979-SC CHAPTER: 11
	ORDER DENYING MOTION FOR RELIEF FROM THE AUTOMATIC STAY UNDER 11 U.S.C. § 362
	DATE: Tuesday, November 7, 2017 TIME: 1:30 p.m. COURTROOM: 5C PLACE*: 411 W Fourth St, Santa Ana, CA 92701 (*Video conferencing via Room 126, 3420 Twelfth St, Riverside, CA 92501)
Movant: U.S. Bank National Association	

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Not Prosecuted
2. The description of the Property or Nonbankruptcy Action to which this order applies is as follows (*specify street address, legal description, personal property description or Nonbankruptcy Action*):
- 6728 Cattle Creek Drive, Chino Hills, CA 91709**
3. The Motion is denied: ☒ without prejudice ☐ with prejudice ☐ on the following grounds:
- a. ☐ Based upon the findings of fact and conclusions of law made on the record at the hearing
 - b. ☐ Unexcused non-appearance by Movant
 - c. ☒ Lack of proper service
 - d. ☒ Lack of good cause shown for relief from stay
 - e. ☐ No stay is in effect under:
(1) ☐ 11 U.S.C. § 362(c)(2)(A)

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

(2) ☐ 11 U.S.C. § 362(c)(2)(B)

(3) ☐ 11 U.S.C. § 362(c)(3)(A)

(4) ☐ 11 U.S.C. § 362(c)(4)(A)

f. ☒ Other (*specify*):

Motion denied for reasons stated on the record, including:

1. Improper service. Failure to serve top 20 creditors as required by FRBP 4001(a)(1)(1).

2. Sufficient equity. The Ninth Circuit has held that a 20% equity cushion adequately protects a creditor's security interest. In re Mellor, 734 F.2d 1396, 1401 (9th Cir. 1984)

4. ☐ Movant may not file another motion for relief from the stay in this bankruptcy case absent a court order authorizing the filing of another motion.

###

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed Name

Signature

ECF Service List

- Michael Jones mike@mjthelawyer.com, michaeljonesmyecfmail@gmail.com
- Jason C Kolbe bknotice@rcolegal.com
- Mohammad Tehrani Mohammad.V.Tehrani@usdoj.gov
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
- Austin P. Nagel melissa@apnagellaw.com